

Notice of Allowability

Application No.

10/688,470

Examiner

Brandon J. Miller

Applicant(s)

GALLAGHER ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/17/2006.
2. ☒ The allowed claim(s) is/are 1,3-8 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GEORGE ENG
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 22. Claim identifier should be changed to (New) instead of (Original).

Claim 23. Claim identifier should be changed to (New) instead of (Original).

Claim 24. Claim identifier should be changed to (New) instead of (Original).

Claim 25. Claim identifier should be changed to (New) instead of (Original).

Claim 26. Claim identifier should be changed to (New) instead of (Original).

Claim 27. Claim identifier should be changed to (New) instead of (Previously Presented).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: Claims 1, 3-8 and 21-27 are allowable in view of applicant's arguments filed on 12/27/2005.

Regarding claim 1 the prior does not teach or fairly suggest "a mobile station that includes a first level 1, level 2, and level 3 protocols for a licensed wireless service that has a licensed wireless channel serviced by a telecommunications network and a second level 1, level 2, and level 3 protocols for an unlicensed wireless service that area activated when the mobile station is within an unlicensed wireless service area" and "an indoor network controller that is

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configured to convert the second level 1, level 2, and level 3 protocols into a standard base station controller interface protocol recognized by the telecommunications network” and “an indoor base station that operates transparently to the second level 3 protocol” and “a mobile station and a network controller that are configured to establish a communication session on the unlicensed wireless channel using the standard base station controller interface protocol of said licensed network”. Claims 3-8 are allowable based on their dependence of independent claim 1.

Regarding claim 21 the prior does not teach or fairly suggest “a mobile station that includes a first level 1, level 2, and level 3 protocols for a licensed wireless service that has a licensed wireless channel serviced by a telecommunications network and a second level 1, level 2, and level 3 protocols for an unlicensed wireless service that area activated when the mobile station is within an unlicensed wireless service area” and “a network controller that is configured to convert the second level 1, level 2, and level 3 protocols into a standard base station controller interface protocol recognized by the telecommunications network” and “an indoor base station that operates transparently to the second level 3 protocol” and “exchanging signals between the indoor network controller and the licensed wireless communication system”. Claims 22-27 are allowable based on their dependence of independent claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 13, 2006



GEORGE ENG
SUPERVISORY PATENT EXAMINER